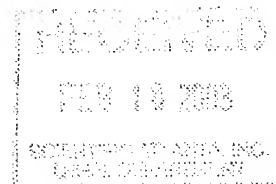


# PATENT COOPERATION TREATY



From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
KENNETH M. MASSARONI  
SCIENTIFIC-ATLANTA, INC.  
5030 SUGARLOAF PARKWAY (ATL 4.3.517)  
LAWRENCEVILLE, GA 30044

## PCT

WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference <b>F-8142-PC</b>		Date of Mailing (day/month/year) <b>11 FEB 2003</b> <b>REPLY DUE</b> within 2 months/days from the above date of mailing
International application No. <b>PCT/US02/14874</b>	International filing date (day/month/year) <b>10 May 2002 (10.05.2002)</b>	Priority date (day/month/year) <b>11 May 2001 (11.05.2001)</b>
International Patent Classification (IPC) or both national classification and IPC <b>IPC(7): H04N 5/91 and US Cl.: 386/125</b>		
Applicant <b>SCIENTIFIC-ATLANTA, INC.</b>		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.
 

**When?** See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6

**If no reply is filed,** the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 11 September 2003 (11.09.2003)

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer <b>HUY T NGUYEN</b> <i>Rugenia Zagan</i> Telephone No. (703) 306-0377
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# WRITTEN OPINION

International application No.

PCT/US02/14874

## I. Basis of the opinion

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:
  - pages 1-24, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the claims:
  - pages 25-29, as originally filed
  - pages NONE, as amended (together with any statement) under Article 19
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the drawings:
  - pages 1-19, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:
  - pages NONE, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

### 5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.  
PCT/US02/14874

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-37</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-37</u>	NO
Industrial Applicability (IA)	Claims <u>1-37</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

**V. 2. Citations and Explanations:**

1. Claims 1,3-5,7-8,11-13,24,26-27,29-30,33-35 and 37 lack an inventive step under PCT Article 33(3) as being obvious over Lewis in view of Yoneda (6,002,832).

Regarding claims 1 Lewis teaches an apparatus for performing a method (pages 7-8) for providing access data, the method comprising:

- receiving user input specifying whether access is to be provided after a future change in a displayed television channel to video presentation that is buffered before the future change in the displayed television channel by indicating bookmarks to video presentation for future accessing (Fig 4, page 8);

- providing the access responsive to the user input specifying that the access is to be provided ( page 6) ; and

- preventing the access responsive to the user input specifying that the access is not to be provided (page 8).

Lewis fails to teach the use of buffer for storing the video presentation . Yoneda teaches an apparatus using a time shift buffer for storing the video presentation (columns 7-8). It would have been obvious to one of ordinary skill in the art to modify Lewis with Yoneda by using a time shift buffer as taught by Yoneda for storing the video presentation thereby enhancing the capability of the apparatus of Lewis in controlling accessing of the video presentation when needed.

2. Claims 2 and 25 lack an inventive step under PCT Article 33(3) as being obvious over Lewis in view of Yoneda (6,002,832) above further in view of Logan.

Lewis as modified with Yoneda fails to teach the rewind operation of the buffer as recited in claims 2 and 25. Logan teaches an apparatus having a buffer string video presentation and can be operated in a rewind operation (column 6). It would have been obvious to one of ordinary skill in the art to modify Lewis as modified with Logan for operating the buffer with a rewind operation thereby enhancing the functional operation of the apparatus of Lewis as modified with Yoneda for presenting the video in a reverse mode.

3. Claims 6,9-10,28 and 31-32 lack an inventive step under PCT Article 33(3) as being obvious over Lewis in view of Yoneda (6,002,832) above further in view of Logan.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Lewis as modified with Yoneda fails to specifically teach the buffered video presentation corresponds to a video stream that is received via a subscriber television network as recited in claims 6 and 28 and the access is provided only if the displayed television channel had been designated as a favorite television channel as recited in claim 9-10 and 31-32.

Hoarty teaches an apparatus comprising a control means for receiving video presentation from a subscriber television network (Abstract) and accessing the favorite video presentation (column 19 lines 27-45). It would have been obvious to one of ordinary skill in the art to modify Lewis as modified with Yoneda with Hoarty by providing a control means as taught by Hoarty with the apparatus of Lewis as modified with Yoneda for receiving the video presentation from a television network and accessing the favorite channel thereby allowing a user can select the favorite channel from a television network for viewing.

4. Claims 14-23 and 36 lack an inventive step under PCT Article 33(3) as being obvious over Lynch in view of Creemer.

Regarding claims 14-23 and 36, Lynch teaches an apparatus for receiving video presentation and storing the video presentation in a time shift buffer (columns 1-2).

Lynch fails to teach means for modifying the buffer such that the space of the buffer is equal to an input identified by a user.

Creemer teaches a control means used with a buffer to modifying the buffer such that the space of the buffer is equal to an input identified by a user. It would have been obvious to one of ordinary skill in the art to modify Lynch with Creemer by using a control means as taught by Creemer with the apparatus of Lynch thereby allowing controlling the space of the buffer of Lynch to store the video presentation.

## ----- NEW CITATIONS -----

US 6,002,832 A (YONEDA) 14 December 1999, see columns 7-8.